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June 24, 2004

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, D.C. 20554

**RE: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, MB Docket No. 03-15;  
Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168;  
Public Interest Obligations of TV License Licensees, MM Docket No. 99-360**

Dear Ms. Dortch:

Pursuant to section 1.1206 (b)(2) of the Commission's rules, we hereby submit this notice regarding an *ex parte* meeting in the above-referenced proceedings.

On Wednesday, June 23, 2004, representatives of the Public Interest, Public Airwaves Coalition met with FCC Chairman Michael K. Powell and his legal advisor Jon Cody. Attending the meeting were Celia Wexler, Director of Research of Common Cause; Meredith McGehee, Executive Director of the Alliance for Better Campaigns; John Gray, Political Director of Free Press; and James A. Bachtell, Staff Attorney, of the Institute for Public Representation at Georgetown University Law Center.

The group presented and discussed the attached proposed public interest television disclosure form and a memo concerning the legality of the form with the Commissioner and his legal advisor. Members of Public Interest, Public Airwaves Coalition noted that the current issues/programs lists do not provide an effective means for the public to assess licensees' performance. Because the requirement of listing programs "that have provided the station's most significant treatment of community issues" is so vague, these lists lack uniformity and consistency and make it difficult to discern the amount and type of public interest programming a broadcaster carries. They are also inaccessible, available for inspection only at the main studio of the station during normal business hours.

The group noted that its disclosure form proposal, based on comments filed by UCC, *et al.* in 2000, is standardized and gathers information the public needs to meaningfully evaluate whether licensees are serving their public interest obligations. The form also helps the public determine how broadcasters are using their new digital spectrum. It also accommodates the group's public interest guidelines proposal, gathering the necessary information and placing the certification questions at the end of the form, so they can be incorporated if adopted by the FCC. Members also noted that filing the form with the Commission and placing it on the stations' web sites will give the public greater access to the information.

As detailed in the attached memo, the group also pointed out that the form does not raise any issues under the First Amendment since the proposal neither prohibits broadcasters from airing any programming they chose, nor requires broadcasters to air any particular viewpoint or type of programming.

The representatives also presented and discussed with the Chairman and his legal advisor the attached proposed general public interest processing guidelines for television broadcasters along with a memo documenting its constitutionality. The group also presented a compendium of several studies and reports documenting the current lack of local civic and electoral affairs programming and the shortage of independently-produced television programming—problems that have new implications in a digital television environment.

In accordance with the Commission's rules, this *ex parte* notice is being filed electronically in the above referenced dockets. If you have any questions regarding this filing, please do not hesitate to contact me at (202) 662-9543.

Respectfully Submitted,

/s/

James A. Bachtell

Attachments